

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: **Harald Sontheimer et al.** )

Application No. **08/980,395** )

Filed: **November 28, 1997** )

For: **Novel Method of Diagnosing &  
Treating Gliomas** )

Commissioner for Patents  
Washington, D.C. 20231



Examiner: **Unassigned**

Group Art Unit: **1642**

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**SUPPLEMENTAL PRELIMINARY AMENDMENT**

Further to the Preliminary Amendment filed January 18, 2001, Applicants submit herewith a Declaration Under 37 C.F.R. § 1.132 by Dr. Howard Levine.

**REMARKS**

As set forth in the Preliminary Amendment filed January 18, 2001, Applicants submit a Declaration Under 37 C.F.R. § 1.132 by Dr. Howard Levine, an expert in the field of biopharmaceutical process development. This Declaration attests that the chlorotoxin compositions disclosed by DeBin *et al.*, (1993) Am. J. Physiol. 264, C361-369 do not constitute pharmaceutical compositions as claimed in the previously filed Preliminary Amendment.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).